



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 8, 2007

Mr. Paul S. Schmidt, Chair
Organization of Agreement States, Inc.
Radiation Protection Section
Division of Public Health
Wisconsin Department of Health and
Family Services
1 W. Wilson Street, Room-B157
Madison, WI 53702

Dear Mr. Schmidt:

We request your assistance in identifying an individual to serve on a rulemaking working group to develop a rule to expand the National Source Tracking System (NSTS) to include Category 3 data. Typical uses of Category 3 sources are in fixed industrial gauges, such as conveyor belt gauges, and spinning pipe gauges. In medical fields, high-dose-rate brachytherapy sources and plutonium-based pacemakers fall into this category. Category 3 neutron-generating applications are in research reactor start-up sources and well-logging sources utilizing americium/beryllium. In addition, Category 3 sources are being used by government agencies in security screening at ports and cargo terminals. Therefore, a person in your organization familiar with those activities would likely be able to bring particular expertise and knowledge to the working group.

Enclosed is additional information regarding this request. The enclosed information was developed per Management Directive 5.3 "NRC/Agreement State Working Groups" guidance.

We request that you identify a working group member from your organization within 30 days of the date of this letter. Please notify Michael Williamson of my staff of your selection at (301) 415-6234 or mkw1@nrc.gov.

Thank you in advance for your assistance.

Sincerely,

/RA/

Dennis K. Rathbun, Director
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials and
Environmental Management Programs

Enclosure:
Additional Information Regarding Request
for Working Group Participation



cc: Debbie Gilley, Chair, CRCPD, Inc.

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Ms. Debbie Gilley, Chair
Conference of Radiation Control
Program Directors, Inc.
Bureau of Radiation Control
Department of Health
4052 Bald Cypress Way, Bin C21
Tallahassee, FL 32399-1741

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OFFICE:	FSME/DILR	FSME/DILR	FSME/DILR	FSME/DILR
NAME:	MWilliamson;gd	KHsueh	PBubar	DRathbun
DATE:	6/8/07	6/8/07	6/8/07	6/8/07

OFFICIAL RECORD COPY

REQUEST FOR WORKING GROUP PARTICIPATION

RULEMAKING TO ADD CATEGORY 3 DATA TO THE NATIONAL SOURCE TRACKING SYSTEM

Purpose

Rulemaking Branch A, of NRC's Office of Federal and State Materials and Environmental Management Programs, (FSME) Division of Intergovernmental Liaison and Rulemaking (DILR), is looking for an individual to serve on a rulemaking working group to develop a rule to expand the National Source Tracking System (NSTS) to include Category 3 data.

Background

In the Staff Requirements Memorandum dated June 9, 2006, in response to SECY-06-0094, "Tracking or Providing Enhanced Controls for Category 3 Sources," the Commission directed the staff to: (1) initiate a one-time data collection and analysis of Category 3.5 sources; (2) begin a rulemaking to expand the National Source Tracking System (NSTS) to include Category 3 data; and (3) begin a rulemaking to institute activity limits for general licensees as well as to evaluate the criteria used for registration of general licensees.

The Commission directed the staff to complete the one-time data collection within one year. In addition, the Commission directed the staff to complete the Rulemaking for expansion of the NSTS within three years. The rulemaking to institute activity limits for general licensees is being done as a separate rulemaking activity. The one-time data collection should be completed prior to the general license rulemaking primarily because of the need to identify categories of licensees that require enhanced controls, and also to gather information necessary to support the regulatory analysis of this rule. A rulemaking plan is not being prepared for this rule.

Based on the current schedule, the proposed rule package is due to the Commission in March 2008 and the final rule package due in January 2009. The effective date for NSTS expansion to Category 3 is expected in June 2009.

Planned Membership

The working group consists of representatives from NRC's:

- FSME/DILR/Rulemaking Branch A,
- FSME/Division of Materials Safety and State Agreements (DMSSA),
- Office of Nuclear Regulation (NRR)
- Office of Nuclear Security and Incident Response (NSIR),
- Office of Nuclear Material Safety and Safeguards (NMSS),
- Office of the General Counsel (OGC) and,
- Regional Divisions of Nuclear Material Safety

Enclosure

The working group also consists of representatives from:

- Organization of Agreement States, Inc. (OAS)
- Conference of Radiation Control Program Directors, Inc. (CRCPD).

A representative of NRC's Office of Administration, Office of Enforcement, Office of Information Services and Office of International Programs may participate as a full member, if desired, during consideration of any issues involving their areas of responsibilities.

The representative of FSME/DILR/Rulemaking Branch A serves as chair of the group.

Role of Working Group and Level of Effort Expected of Participants

The primary role of the working group is to assist in developing the draft proposed rule package, including rule text, statements of consideration, and supporting information for regulatory analyses. It is anticipated that, based on working group discussion, draft document text will be prepared by Rulemaking Branch A staff for review by the working group.

We anticipate that the working group will meet on a bi-weekly basis with additional consultations by phone and e-mail as needed to provide input to and comment on the draft document text. Working group members from the Regions and States may participate in meetings via telephone. Most of the effort for working group members would occur during development of the proposed rule and regulatory analyses starting in July 2007 and involving about 3- 4 weeks of effort spread out over about 5-6 months. Once these documents are in office review (in late 2007, early 2008), the workload should diminish to about 2-3 weeks over the next 3-4 months. Depending on the nature of the comments received on the proposed rule, additional effort may be needed before the final rule is published. These are initial estimates, and may vary as the working group begins its examination of the task in more detail. A detailed schedule will be developed and provided to the working group members. Additional background material, regarding scope, preliminary rule text, and preliminary estimates of persons affected, will be developed and provided to working group members in advance of a July 2007 working group kick-off meeting.

Expected Products

The working group is expected to provide inputs in producing a draft rulemaking package for a proposed rule, including: (1) a draft Federal Register notice to issue a proposed rule implementing the inclusion of Category 3 sources into the NSTS; (2) a regulatory analysis of costs and benefits resulting from the proposed rule and a Paperwork Reduction Act statement of the recordkeeping burden of the proposed rule and (3) a description of Agreement State compatibility considerations for the proposed rule. The working group is also expected to provide inputs in producing a draft rulemaking package for a final rule.

Steering Committee

No steering committee is proposed for this working group at this point of time.